

Serial No. 10/062,588 filed July 5, 2001
Response of February 15, 2010
to Notice of Allowance of November 16, 2009

Remarks

Receipt is acknowledged of the Notice of Allowance in the above-captioned application. A Request for Continued Examination (RCE) and Information Disclosure Statement (IDS) are enclosed. The Commissioner is hereby authorized to debit any and all amounts due from Deposit Account No. 50-3355, and it is requested that any overpayments in this application be credited thereto. In addition, please note that Applicant claims small entity status.

The present Request for Continued Examination is being filed to forward an Information Disclosure Statement and bring current litigation to the Patent Office's attention. Specifically, Applicant's company and a licensee have sued an infringer of several of Applicant's patents in litigation captioned *Arcs and Angles, Inc. and Zahner Design Group, Ltd. v. Carnation Home Fashions, Inc.* (Southern District of New York, Civil Action No. 09 Civ. 1467). The case was filed to redress infringement of the patents that have issued from Applicant's related applications, namely, U.S. Patent Nos. 6,494,248 (the "248 Patent"), 6,935,402 (the "402 Patent"), and 7,296,609 (the "609 Patent") (collectively "the ZDG patents").

In that litigation, the infringer has alleged that the ZDG patents are invalid as being anticipated by or obvious over U.S. Patent No. 5,590,972 issued to Shobin. Those allegations are entirely without merit.

The Shobin patent is irrelevant to Applicant's inventions. As shown therein, Shobin is directed to a spiral notebook. It is not relevant or analogous art to the present application or the

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related patents. A spiral notebook has nothing to do with the hanging products of Applicant's inventions, e.g. towel products (in the present application) and shower curtains (in the parent ones).

Furthermore, Shobin does not disclose the claimed requirements for a ring which is affixed to an article, the rings having a slit therein.

In fact, the Shobin patent teaches away from Applicant's inventions. It is directed to preventing removal of a page from a spiral notebook. It has nothing to do with the present inventions which are directed to easily allowing removal of towels and so forth from rods and other supports.

For example, Shobin describes the use of reinforcement sheets 60a and 60b, initially having opposing slits 68a and 68b, the slits being angled in opposite directions to cross or angle toward each other (*see e.g.*, Figures 5 and 6, Abstract, final three lines, and col. 6 lines 27-30). As shown in the figures, Shobin's design then closes the slits by sealing them against the paper, to prevent the spiral wire from moving through those slits. Shobin's intent is to provide an unbroken layer of reinforcement material on a page of paper (*see e.g.*, col. 2 lines 52-54) so that the paper does not come out of the notebook.

Thus, Shobin has the exact opposite objective from Applicant's inventions. Shobin's combination of reinforcement layer with paper is configured to close off the initial slits in the reinforcement layer, and to seal any tears in the paper. Accordingly, the assembled product has no slits or tears extending to the paper's edge, thereby preventing the paper from coming out of a spiral notebook.

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This is contrary to the principle of Applicant's claimed inventions, which intentionally provide a slit in the assembled product. Applicant's products easily attach to a support via a slit in a ring, which is used to hang them up, and can be easily removed from the support via that slit, to allow the consumer to use them.

Furthermore, any modification of the Shobin reference to provide Applicant's claimed rings with slits would change Shobin's principle of non-removal, which is the very purpose of Shobin's design. Therefore, any such modification of Shobin would be non-obvious. *See e.g.*, M.P.E.P. §2143.01 VI (if the proposed modification of the art would change the principle of operation of the art, then the teachings of the reference are not sufficient to render the claims obvious).

This is all in addition to the fact that Shobin's spiral notebook is completely irrelevant to Applicant's claimed inventions, which are directed to towels, pot holders, and so forth.

In view of the above, it is believed that all of the claims remain allowable. Favorable action on the application is respectfully requested.

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Respectfully submitted,

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